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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

CV '08 - 6 126 AA

JEFFRY H. SMITH,

Case No. _____

Plaintiff,

v.

COLUMBIA CREDIT SERVICES, INC.,
a Corporation of California,

Defendant.

**COMPLAINT FOR VIOLATIONS OF
FAIR DEBT COLLECTION
PRACTICES ACT AND UNLAWFUL
DEBT COLLECTION
PRACTICES ACT**

JURY TRIAL DEMANDED

Plaintiff Jeffry H. Smith files this Complaint against defendant and alleges as follows:

JURISDICTION

1.

Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. §1692k(d).

2.

This action arises out of defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

3.

Venue is proper in this District because the acts and transactions occurred here, plaintiff resides here, and defendant transacts business here.

PARTIES

4.

Plaintiff Jeffry H. Smith is a natural person who resides in the City of Salem, County of Marion, in the State of Oregon, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

5.

Defendant Columbia Credit Services, Inc., a Corporation of California is a collection agency operating from an address of 1731 Howe Ave #360, Sacramento, California and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6.

On or about October 2004, defendant obtained a claim ("the claim") in the National Arbitration Forum ("NAF") against a Jeff Smith of 1838 Porter St. Camano Island, WA 98282.

7.

On or about November 19, 2004, plaintiff received notice of the claim.

8.

On November 23, 2004, plaintiff wrote a letter to the NAF informing them that plaintiff was not the Jeff Smith captioned in the claim, and that plaintiff would respond in thirty days time with more information.

9.

On December 15, 2004, plaintiff wrote a letter to the NAF providing further information that plaintiff was not the Jeff Smith captioned in the claim.

10.

Plaintiff also requested that defendant provide plaintiff with more information regarding the charges improperly attributed to plaintiff.

11.

On or about December 30, 2005, plaintiff received notice from the NAF that an arbitrator had been assigned to resolve the issue.

12.

On or about January 3, 2005, plaintiff received a letter from defendant regarding the verification of the debt owed by Jeff Smith.

13.

On January 5, 2005, plaintiff wrote a letter to the NAF stating that the plaintiff was not the Jeff Smith captioned in the claim, the social security number Jeff Smith used to obtain the credit account was not plaintiff's, and that plaintiff had never lived at the address associated with Jeff Smith captioned in the claim.

14.

On or about February 17, 2005, plaintiff received notification from the NAF that the claim had been stayed.

15.

On or about September 21, 2005, plaintiff's attorney mailed defendant a letter informing defendant to cease and desist any further collection activities.

16.

On or about November 14, 2005, the NAF ordered the claim dismissed without prejudice.

17.

Between July 2007 and March 2008, plaintiff received phone calls from defendant in an attempt to collect the debt owed by Jeff Smith.

18.

On or about March 19, 2008, plaintiff received a collection notice from defendant in an attempt to collect the debt owed by Jeff Smith.

19.

Despite plaintiff's efforts, defendant continues to try to collect from plaintiff the debt owed by Jeff Smith.

**FIRST CLAIM FOR RELIEF
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 *et seq.***

20.

Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

21.

The foregoing acts and omissions of defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692c(a)(1), 1692c(a)(2), 1692d, 1692e, 1692e(2), 1692f, 1692f(1).

22.

As a result of defendant's violations of the FDCPA, plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

**SECOND CLAIM FOR RELIEF
VIOLATIONS OF THE UNLAWFUL DEBT COLLECTION PRACTICES ACT
ORS 646.639 *et seq.***

23.

Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.

24.

The foregoing acts and omissions of defendant constitute numerous and multiple violations of the Unlawful Debt Collection Practices Act including, but not limited to ORS 646.639(2)(e),(m),(n).

25.

As a result of defendant's violations plaintiff is entitled to actual damages pursuant to ORS 646.641; statutory damages pursuant to ORS 646.641; punitive damages pursuant to ORS 646.641; an order enjoining defendant from violating the UDCPA pursuant to ORS 646.641; and attorney fees pursuant to ORS 646.641.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for:

- A. For an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against defendant;
- B. For an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against defendant;
- C. For an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against defendant;
- D. For an award of actual and punitive damages against defendant in an amount to be determined at trial pursuant to ORS 646.641;
- E. For an order enjoining defendant from violating any provision of the UDCPA pursuant to ORS 646.641;
- F. For an award of attorney fees pursuant to ORS 646.641, and
- G. Provide such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. Amend.

7. Fed. R. Civ. Pro. 38.

DATED this 18th day of April, 2008.

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By:  

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